

**ORDINANCE NO. 1408**

**FINAL PUBLICATION NO. 3501. FIRST PUBLICATION IN THE CHRONICLE ON APRIL 25, 2019**

CITY OF CAMBRIDGE

In the Year Two Thousand and Nineteen

AN ORDINANCE

That the Zoning Ordinances of the City of Cambridge be amended as follows:

*To replace the current text of Section 4.22 with the following text:*

- 4.22** Accessory Apartments. The purpose of this Subsection 4.22 is to allow for the creation of accessory apartments in all districts. Many large existing single and two-family dwellings or other accessory buildings on their lots are underutilized. Alteration of these buildings to provide one additional dwelling unit on the lot would be prohibited in most cases due to the existing floor area ratio and/or lot area per dwelling unit requirements of Subsection 5.31, among other zoning limitations. Given contemporary lifestyles, housing needs, and energy and maintenance costs, it is beneficial to the City to allow greater flexibility in the use of such buildings to add new dwelling units without substantially altering the environmental quality of their surrounding neighborhoods. This Subsection 4.22 gives the Board of Zoning Appeal the authority to relax such requirements in certain instances as enumerated below.
- 4.22.1** In all districts the Board of Zoning Appeal may grant a special permit for the alteration of an existing single-family detached dwelling, two-family dwelling, or accessory building on the same lot as a single-family or two-family dwelling to provide one accessory apartment if the following conditions are met:
1. The building containing the accessory apartment has been in existence since on or before February 1, 2019.
  2. In the case of an accessory apartment within a single-family or two-family dwelling, prior to alteration the dwelling contains at least one thousand eight hundred (1800) square feet of gross floor area.
  3. In the case of an accessory apartment within a single-family or two-family dwelling, such accessory apartment shall not occupy more than 900 square feet or thirty-five (35) percent of the gross floor area of the principal dwelling, whichever is less. An accessory apartment created within an accessory building shall not occupy more than 900 square feet.
  4. No more than one accessory apartment shall be allowed on any lot.
- 4.22.2** In all districts any existing two-family dwelling may be converted to a single-family detached dwelling with one accessory apartment by right, without need for a Special Permit, if the conditions set forth in Section 4.22.1 above are met.

**4.22.3** In granting a special permit for an accessory apartment, the Board may relax or waive applicable zoning requirements to enable the creation of the accessory apartment as set forth below:

1. Accessory apartments shall not be counted in applying the lot area per dwelling unit limitations of the zoning district.
2. The Board may relax applicable floor area ratio (FAR) or gross floor area (GFA) limitations, to the extent necessary, to enable the creation of an accessory apartment within the envelope of an existing structure; however, any additional GFA created outside the envelope of the existing structure shall comply with applicable FAR or GFA limitations for the lot.
3. The Board may alter applicable yard setback or height limitations, to the extent necessary, to enable site improvements that may be required to ensure the safe habitation of the accessory apartment, including but not limited to emergency egress routes; however, any movement or alteration to the principal exterior walls or roof of a building shall comply with applicable yard setback and height limitations for the lot.
4. No off-street parking shall be required for an accessory apartment.

**4.22.4** In granting a special permit for an accessory apartment, the Board shall determine that the General Special Permit Criteria set forth in Section 10.43 of this Zoning Ordinance are met and that any alterations that are visible from the exterior of the building shall be compatible with the appearance and character of the neighborhood and are minimally necessary to enable the creation of the accessory apartment. The Board may impose such conditions as it may deem appropriate to ensure ongoing compliance with such criteria and to avoid undue detriment to the neighborhood or to nearby persons or property.

In City Council May 6, 2019.

Passed to be ordained by a yea and nay vote:

Yeas 8; Nays 0; Absent 1.

Attest:- Donna P. Lopez, City Clerk.

A true copy:

ATTEST:-

Donna P. Lopez  
City Clerk